

A CODE OF ETHICS
FOR THE CITY OF NORWICH

Ord. No. 909

Adopted November 13, 1978

as amended by

Ord. No. 1625

Adopted August 3, 2009

as amended by Ord. No. 1651

Adopted February 7, 2011

as amended by Ord. No. 1667

Adopted May 21, 2012

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH:

ARTICLE IV. CODE OF ETHICS

Section 2-51. DECLARATION OF POLICY.

The proper operation of municipal government requires that all officials and employees be independent, impartial and responsible to the citizens of the community; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. The purpose of this article is to establish guidelines for ethical standards of conduct for all officials and employees by setting forth those acts or actions that are incompatible with the best interests of the City and by direct disclosure by such officials and employees of financial and personal interests in matters affecting the City.

Section 2-52. DEFINITIONS.

[The following definitions shall apply in this article:]

- (a) **Agency.** All departments, boards, commissions, committees and agencies of the City of Norwich, including the City Council.
- (b) **Business Entity.** Any business, proprietorship, firm, partnership, person in a representative or fiduciary capacity, association, venture, trust or corporation, whether paid or unpaid, including members of any board, committee or commission thereof.
- (c) **Complainant.** The party initiating a complaint alleging a violation of this section.
- (d) **Gift.** A payment, subscription, advance, forbearance, rendering of service, deposit of money, or anything of value unless consideration of equal or greater value is transferred in its place. The term "gift" shall not include a political contribution otherwise reported as required by law; services provided to support a political candidate or political party without compensation by persons volunteering their time; a commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business; anything of value received because of a family or other close personal relationship with the donor; food or beverage or both, consumed on a single occasion, the cost of which is less than fifty dollars (\$50.00) per person; an occasional non-pecuniary gift, insignificant in value; an award publicly presented in recognition of public service or any gift which would have been offered or given to the recipient if he or she were not a public official or municipal employee.
- (e) **Immediate Family.** Spouse, child, parent, sibling, or any person unrelated by blood residing in the individual's household.
- (f) **Interest.** A direct or indirect pecuniary or material benefit accruing to an officer, official or employee as a result of a contract or transaction which is or may be the subject of an official act or action by or with the City, except for such contracts or transactions which

by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated. For the purposes of this code, an officer, official or employee shall be deemed to have an interest in the affairs of:

- (1) Any person in his or her immediate family or the spouse of a person in his or her immediate family,
- (2) Any person or business entity with whom a contractual relationship exists with the public officer or employee;
- (3) Any business entity in which the officer, official or employee is an officer, director, member, or employee;

(4) Any business entity in which the stock of, or legal or beneficial ownership of, in excess of five percent (5%) of the total stock or total legal and beneficial ownership is controlled or owned directly or indirectly by the officer, official or employee.

(g) **Officer, official or employee.** Members of all departments, boards, commissions, committees or other agencies of the City of Norwich, including the City Council, whether they be elected or appointed, paid or unpaid, full or part time, and all classified and unclassified employees of the City of Norwich.

(h) **Respondent.** The party against whom a complainant has alleged a violation of this section.

(i) **Transaction.** The offer of, or the sale, purchase or furnishing of any real or personal property, or services, by or to any person or entity directly or indirectly, as vendor or vendee, prime contractor, subcontractor or otherwise, for the use and benefit of the City or of such other person or entity, for any form of consideration.

Section 2-53. FAIR AND EQUAL TREATMENT.

(a) **Use of Public Property.** No officer, official or employee, unless so authorized, shall use or permit the use by others of city-owned property or publicly funded labor or service for personal convenience or profit.

(b) **Impartiality.** No officer, official or employee shall grant any special consideration, treatment or advantage to any person beyond that available to all citizens.

Section 2-54. CONFLICT OF INTEREST.

(a) **General Conduct.** No officer, official or employee shall engage in any business or transaction or shall have an interest which is incompatible or in conflict with the proper discharge of his or her official duties in the public interest or would tend to impair independence of judgment or action in the performance of official duties; nor shall he or she become involved in any contract with, sales to, purchases from, or compensable services made with or rendered to the City except where the same is covered by competitive bidding.

(b) **Disclosure of Information.** Except as may be required by law, no officer, official or employee shall disclose any confidential information concerning the property, business or affairs of the City or use such information to advance the private, financial or personal interest of himself or herself or others.

(c) **Gifts and Favors.** No officer, official or employee shall accept or solicit any gift from any person who, to his or her knowledge, is interested, directly or indirectly, in any manner whatsoever, in business dealings with the City, or which gift may tend to influence him or her in the discharge of official duties or in granting any improper favor, service or thing of value.

(d) **Incompatible Employment.** No officer, official or employee shall appear in behalf of another person not a member of his or her immediate family before any agency of the City, nor shall he or she represent private persons or entities in any action or proceeding against the City in any litigation when said appearance or representation would be in conflict with or would tend to impair his or her independence of judgment and action in the performance of his or her official duties. However, an elected official may so appear on behalf of his or her constituents in the course of his or her duties as a representative of the electorate.

(e) **Disclosure of Interest.** Any officer, official or employee who has an interest in any matter concerning the City shall publicly disclose the true nature and extent of such interest and shall disqualify himself or herself from participating in such matter, if such interest is significant.

Section 2-55. ENFORCEMENT

(a) **Ethics Commission.**

(1) There shall be an ethics commission consisting of five (5) members and four (4) alternate members. The council shall appoint commission members and alternate members who shall serve for a term of two (2) years. Upon the expiration of a term, the council may reappoint a commission member or alternate member to a new term, provided that no person who has served as either a member or alternate for three (3) consecutive terms may be reappointed.

a. All commission members and alternates shall be resident electors of the city.

b. Commission members and alternates may not be officers, officials, or employees of the city by virtue of service other than service on the ethics commission.

(2) This ordinance [amendment of this section by Ord. No. 1667] shall become effective July 1, 2012. The initial term of the new alternate members appointed hereunder shall expire on October 18, 2013, and they may thereafter be appointed to two (2) two-year terms pursuant to the provisions of subsection (a)(1).

(b) **Organization.** The Commission shall elect a Chair and Vice Chair, who shall serve until the expiration of their current term of appointment by the council, at which time the Commission shall hold a new election. The Commission shall establish its own rules and procedures consistent with the generally applicable law, including, without limitation, Section 1-82a(a) through (e) of the Connecticut General Statutes, as the same may be amended from time to time. Such rules and procedures shall provide for the seating of alternate members who when seated shall have all the powers and duties of regular members. The first rules and procedures shall be established within six (6) months of the date on which the council initially appoints members of the Commission. The Commission shall hold meetings at the call of the Chair or any two (2) of the Commission members and at such other times as may be provided by rules and procedures adopted by the Commission.

(c) **Procedure for receiving and hearing complaints.**

(1) Generally. The commission shall receive complaints from any person of any alleged violation of the Code of Ethics. Any complaint received by the commission must be in writing on a form prescribed by the commission and signed under penalty of false statement. A person shall be in violation of this section if the person submits a complaint containing a written statement that he or she does not believe to be true or that has been submitted with malice.

(2) Limitation. No complaint may be received by the commission more than eighteen (18) months after the date of the action complained of, except where the person to be named as the respondent has fraudulently concealed the existence of the action, in which case the herein time limitation shall run from the date the complainant first had actual or constructive notice of the action.

(3) Notices and investigations. Upon receiving a complaint of an alleged violation of the Code of Ethics, the commission shall, within five (5) business days, notify in writing the person about whom said complaint has been filed, advising the concerned person of the specific nature of the complaint made and being investigated by the commission, and enclosing therewith a copy of the complaint. At least three (3) members of the commission, of which one (1) may be an alternate, shall make a probable cause investigation of the validity of the complaint. The confidentiality provisions of General Statutes § 1-82 shall apply to the investigation. A finding of probable cause shall require the affirmative vote of a majority of commission members or alternates conducting the investigation. Not later than five (5) business days after termination of the investigation, the commission shall inform the complainant and the respondent of its finding as to probable cause and provide them a summary of its reasons for making the finding. If no probable cause was found, the commission shall dismiss the complaint. If probable cause was found, the commission shall call for a public hearing. A hearing shall commence within sixty (60) days after the receipt of the complaint by the commission.

(4) Hearings. In the event a hearing is held, a panel consisting of five (5) members or alternates shall hear it. In the event a hearing is continued to a new date, upon continuation a member or alternate may be substituted for one of the original panel members provided the member substituted was present for all prior hearings in the case. The respondent shall have the right to counsel, to cross examination of any witness and to present evidence on his or her behalf. The commission may consider hearsay evidence as prescribed in its rules of procedure.

(5) Counsel for the commission. Corporation counsel shall advise the commission in any matter at the request of the Chair or Vice Chair of the commission. In the event corporation counsel is the respondent, the ethics commission may retain the services of another attorney licensed to practice law in the state.

(6) Findings. A finding of a violation of this code shall require the affirmative vote of three (3) members of the hearing panel that there is clear and convincing evidence the respondent violated the Code, and no member may vote who was not in attendance at all hearings. Clear and convincing evidence is evidence indicating the probability that the respondent committed a violation is substantially greater than the probability that he or she did not.

(7) Report of recommendations. When there has been a finding of a violation the commission shall report the finding and a recommendation for action to the council. The commission shall also report to such other officer or board of the City with the power granted by the charter or state statute to remove the officer, official or employee found to have committed the violation, when such power of removal exists.

(8) When the power of removal exists, the officer or board of the City with the power to remove the violator shall within sixty (60) days of receiving a report of violation, report back to the Ethics Commission the disposition of the matter. In all other cases, a report of disposition may be made by the council at their discretion.

Section 2-56 ADVISORY OPINIONS.

Any officer, official or employee may seek from the commission, upon written request, an advisory opinion as to the application of any provision of this article to a particular situation or as to an interpretation of any such provision. The commission shall act on a written request within sixty (60) days of receipt. Such action may be an affirmative vote to decline ruling on the matter. In the event the commission fails to achieve a majority vote for any proposal, such failure shall be construed as an affirmative vote to decline ruling on the matter. The city clerk shall maintain a file of advisory opinions.